

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 1207 OF 1996

THURSDAY, THIS THE 14th DAY OF NOVEMBER, 2002

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

1. R.C. Shukla, son of Shri R.P. Shukla,
r/o 90A/4, Bagambari Gaddi, Allahpur,
Allahabad.
2. Rajiv Kumar Pradhan, son of Shri M.S. Pradhan,
r/o E/59 Karali, G-7B Nagar,
Allahabad.
3. Naresh Kumar, son of Shri Laxmi Narain,
r/o 100/83, Mahabirn Lane,
Allahabad.
4. R.B. Kanojia, Superintendent, Central Excise,
Allahabad.
5. Prabhu Dayal Kanojia, Superintendent, Central Excise,
Allahabad.
6. Hukum Singh, Superintendent, Central Excise,
Meerut.
7. Prakash, Superintendent, Central Excise,
Meerut.
8. Sumit Narain, Superintendent, Central Excise,
Kanpur.
9. Ramakant Gupta, Superintendent, Central Excise,
Kanpur.
10. Rajendra Kumar, Superintendent, Central Excise,
Kanpur.
11. Gaya Prasad, Superintendent, Central Excise,
Kanpur.
12. Ramshyam Ram, Superintendent, Central Excise,
Kanpur.
13. Purshottam Ram Gupta, Superintendent,
Central Excise,
Kanpur.

.....Applicants

Counsel for the Applicant: Shri S. Chandra

V E R S U S

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1. Union of India through the Secretary,
Central Board of Excise and Customs,
North Block,
New Delhi.

2. Commissioner, Central Excise,
38, Mahatma Gandhi Marg,
Allahabad.

.... Respondents

Counsel for the Respondents: Ms. S. Srivastava.

O R D E R (Oral)

Hon'ble Mr. S. Dayal, Member (A)

This application has been filed for direction to the respondents to implement and follow the principles of law and guidelines settled by the Hon'ble Supreme Court in the case of promotion of Scheduled Caste and Scheduled Tribes candidates. The applicants seek their promotion with all consequential benefits w.e.f. 30.09.1996, the date on which the promotion of the juniors was effected.

2. The applicants have claimed that the cadre of Superintendent Group-B in Uttar Pradesh in 3 commissionerate comes to 371 over a period of time as many as 100 vacancies have been filled up by promotion of candidates belonging to scheduled castes and scheduled tribes. It is claimed that this exceeds the quota of 22 and a half percent. It is also claimed that respondent No.3 to 12, which is promoted as a result of selection done in the year 1996, were junior to the applicants. The applicants filed representation addressed to the Commissioner Central Excise and Customs, Allahabad making claims of promotion and consequential benefits on account of promotion of immediate junior officers as per the judgment of Supreme Court in the case of Union of India Versus Veer Paul Singh Chauhan and R.K. Sabarwal Versus State of Punjab.

3. We have heard the argument of learned counsel for the applicant Shri S Chandra and Ms. Sadhna Srivastava, learned counsel for the respondents.

4. Learned counsel for the respondents has mentioned that there has been no excess filling of post reserved for candidates belonging to Scheduled Castes and Scheduled Tribes. It has been considered that the number of Scheduled Castes may be more than number of posts reserved for Scheduled Castes but it is stated that the same is balanced by the vacant posts which were reserved for Scheduled Tribes. Thus the two combined do not exceed. The vacancies in each recruitment year according to roster point.

5. It appears that the claim of the applicants is based on the position obtaining at the time of filing the application in the year 1996. It has not been mentioned by the parties as to how many candidates were promoted from the cadre of Inspectors to the cadre of Superintendent Grade-B in the year 1995 and 1996 and how the law laid down by the Apex Court was violated.

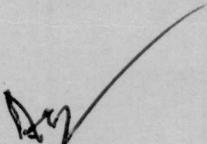
6. The learned counsel for the applicant then made the prayer that the representation filed by the applicants on 14.10.1996 and annexed as Annexure-6,7 & 8, should have been decided by the respondents and a reply given to the applicants. The respondents have on the other hand stated that a representation from the Association representing the applicants had been received on 28.10.95 and forwarded to competent authority for necessary action as the matter is related to policy of reservation. This representation is not on record.

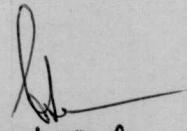


However, it can be assumed that the applicants No.1 to 13 who have filed their individual representation, have made a similar ^L prayer which is ~~similar~~ to the prayer made in the representation of the association.

7. Since the matter is pending consideration of the respondents, we direct that the respondents shall ^{also &} consider the representation filed as Annexure-6,7 & 8 from applicants No.1,3 & 2 respectively and decide the same by a detailed and speaking order within a period of 3 months from the date of a receipt of a copy of this order. The applicants may annex a copy of their representation as filed in the O.A. to facilitate the consideration of said representation.

8. There shall be no order as to costs.


Member-J


Member-A

shukla/-